

UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: BRAD J. GERSTEIN and	:	CHAPTER 13
ROSEMARIE GERSTEIN	:	
Debtor(s)	:	
	:	
CHARLES J. DEHART, III	:	
STANDING CHAPTER 13 TRUSTEE	:	
	:	
vs.	:	
	:	
BRAD J. GERSTEIN and	:	
ROSEMARIE GERSTEIN	:	
Respondent(s)	:	CASE NO. 1-16-bk-02368

TRUSTEE'S OBJECTION TO CHAPTER 13 PLAN

AND NOW, this 5th day of August, 2016, comes Charles J. DeHart, III, Standing Chapter 13 Trustee, and objects to the confirmation of the above-referenced debtor(s)' plan for the following reason(s):

1. Debtor(s)' plan violates 11 U.S.C. Sec. 1322(a)(1) in that the debtor(s) has not submitted all or such portion of the disposable income to the Trustee as required.

2. Debtor(s)' plan violates 11 U.S.C. Sec. 1322(b)(1) in that the plan classifies unsecured claims but unfairly discriminates certain claims in the designation. More specifically, the plan provides for payment of:

a. Student loan

3. The Trustee avers that debtor(s)' plan is not feasible based upon the following:

a. The plan is underfunded relative to claims to be paid – 100% plan.

4. Trustee avers that debtor(s)' plan is not feasible and cannot be administered due to the lack of the following:

a. 2015 Federal Income Tax return.

WHEREFORE, Trustee alleges and avers that debtor(s) plan is nonconfirmable and therefore Trustee prays that this Honorable Court will:

- a. Deny confirmation of debtor(s) plan.
- b. Dismiss or convert debtor(s) case.
- c. Provide such other relief as is equitable and just.

Respectfully submitted:

/s/Charles J. DeHart, III
Standing Chapter 13 Trustee
8125 Adams Drive, Suite A
Hummelstown, PA 17036
(717) 566-6097

CERTIFICATE OF SERVICE

AND NOW, this 5th day of August, 2016, I hereby certify that I have served the within Objection by electronically notifying parties or by depositing a true and correct copy of the same in the United States Mail at Harrisburg, Pennsylvania, postage prepaid, first class mail, addressed to the following:

Charles Shaffer, Esquire
575 Pierce Street, Suite 500
Kingston, PA 18704

/s/Deborah A. Behney
Office of Charles J. DeHart, III
Standing Chapter 13 Trustee